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APR 21 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. 9003

Application of

Joanne S. Walter

Serial No. 09/751,630

Group Art Unit: 3692

Filed: December 29, 2000

Examiner: J. Liversedge

For: DATA PRIVACY ENCODING FOR CONSUMER INPUT MEDIA

MS Appeal Brief
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATION OF FACSIMILE TRANSMISSION

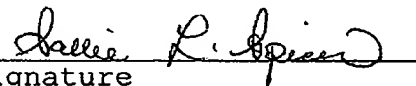
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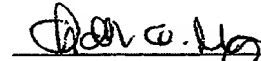
APPEAL BRIEF TRANSMITTAL LETTER

Sir:

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- ☒ Please consider this a PETITION FOR EXTENSION OF TIME for one month for the filing of said Appeal Brief.
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Respectfully submitted,



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Fax No. (937) 445-6794

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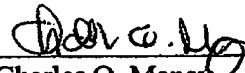
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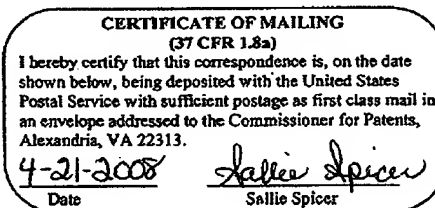
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APPEAL BRIEF

Sir:

This is an appeal brief submitted in response to the final action of the Examiner dated August 20, 2007, finally rejecting all of the claims in the present application.

(i) REAL PARTY IN INTEREST

The real party in interest is NCR Corporation.

(ii) RELATED APPEALS AND INTERFERENCES

There are no related appeals and interferences.

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(iii) STATUS OF THE CLAIMS

Claims 1-26 are pending in the application.

Claims 1-26 stand rejected.

Claims 21-24 and 26 are appealed.

There are no other claims, e.g., cancelled, withdrawn, allowed, etc.

(iv) STATUS OF AMENDMENTS

Appellant did not file a Response subsequent to the Final Rejection of August 20, 2007.

(v) SUMMARY OF CLAIMED SUBJECT MATTER

Claims 21-26 relate to a method of prescribing personal data preferences.

As embodied in claim 21 the invention includes

21. A method of prescribing rules for collection and dissemination of customer data to a seller of goods or services comprising the steps of:

a) recording privacy preferences of a customer by a computer of the seller as a service to the customer, wherein the privacy preferences instruct a transaction computer of the seller that reads the privacy preferences from a portable storage medium of the customer to limit collection and dissemination of one or more specific, distinct, and different types of the transaction data produced during a transaction between the customer and the seller including

but not limited to the data types of history of purchases from the seller by the customer, demographic data, amount purchased, frequency of purchase, coupon used, payment method used, time of day, week, and year purchased; (page 1, lines 8-16; page 2, lines 10-16; page 11, lines 15-23; page 15, lines 6-21; Fig. 2)

b) coding the privacy options by the computer of the seller; and (page 15, lines 6-21; Fig. 2)

c) downloading coded privacy preferences to the portable storage medium of the customer by the computer of the seller. (page 15, lines 6-21; Fig. 2)

As embodied in claim 22 the invention further includes

22. The method of claim 21, wherein step a) includes recording privacy preferences of a customer via an electronic customer device by a computer. (page 13, lines 13-23)

As embodied in claim 23 the invention further includes

23. The method of claim 22, wherein the electronic customer device comprises a personal computer. (page 13, lines 13-23)

As embodied in claim 24 the invention further includes

24. The method of claim 22, wherein the electronic customer device comprises a portable communication device. (page 13, lines 13-23)

As embodied in claim 26 the invention further includes

26. The method of claim 21, wherein step a) includes recording privacy preferences of a customer via a self-service terminal of the seller. (page 6, lines 1-10)

(vi) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 21-24 and 26 stand rejected under 35 USC 103(a) as being unpatentable over Siegel (2002/0091562) in view of Stepanek (Protecting E-Privacy).

(vii) ARGUMENT

Siegel discloses a customer storage device containing a identifying information (customer profile) associated with an Electronic Information Account (EIA) assigned by an EIA Facilitator (P 0023). The device limits customer information *provided either from a customer storage device or from and EIA storage device* to information selected by the customer (P 0013). The customer uses the device to limit private information available to third parties that would link his identity to his purchases (P 0007). The customer may also wish to limit the types of transactions that may occur on his electronic account (P 0008). The customer may also wish to data mine his own transaction history (P 0008). The device stores a record of each transaction (P 0013). The customer may wish to forward a

transaction record to a source of purchased goods or services, thereby registering the transaction for warranty (P 0024).

Stepanak is directed to protecting web users from data mining. Stepanak discloses that web users targeted by on-line advertiser DoubleClick has a web site that discusses opt out policies.

Neither reference discloses a personal data preferences program provided by a business involved in a purchase transaction as a service to its customers.

Siegel discloses limiting customer information that may be provided by an EIA storage device, while Applicant claims limiting customer information that may be collected and disseminated by a seller of goods. The two methods of limiting customer information are different, because limits are set and enforced by different entities, Siegel with an EIA facilitator and Applicant with a seller of goods. Under Applicant's invention, a seller of goods limits collection of customer information as a service to the customer, per customer choices previously made via a computer of the seller.

Siegel fails to teach or suggest that limits be placed on collection and dissemination of a type of customer of customer information, transaction data, by a seller. Siegel discloses that

transaction data is freely collected and disseminated, and suggests that a consumer be allowed access to the same information to data mine it.

The Office concedes that Siegel fails to disclose coupling an electronic consumer device to a computer of a business selling goods or services.

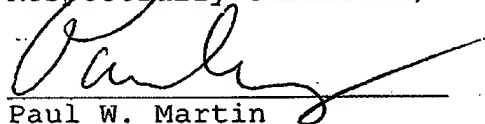
Stepanak suggests that a method for opting out exists, but fails to provide a description of it. Neither reference discloses assigning opt in or opt out privacy options to one or more specific, distinct, and different types of personal data collected and maintained by the business including but not limited to the data types of history of purchases from the business by the consumer, demographic data, amount purchased, frequency of purchase, coupon used, payment method used, time of day, week, and year purchased, for the purpose of identifying and limiting the discrete types of data the business is authorized, by the customer's choice of opt in, to collect, use, and disseminate in accordance with the personal privacy profile data type options selected as opt in by the customer.

Conclusion

Appellant respectfully submits that the Office has failed to establish a prima facie case of obviousness and that the rejection of claims 21-24 and 26 is improper.

Appellant further submits that claims 21-24 and 26 are allowable and respectfully request that the rejection of claims 21-24 and 26 by the Examiner be reversed by the Board.

Respectfully submitted,



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(viii) CLAIMS APPENDIX

21. A method of prescribing rules for collection and dissemination of customer data to a seller of goods or services comprising the steps of:

a) recording privacy preferences of a customer by a computer of the seller as a service to the customer, wherein the privacy preferences instruct a transaction computer of the seller that reads the privacy preferences from a portable storage medium of the customer to limit collection and dissemination of one or more specific, distinct, and different types of the transaction data produced during a transaction between the customer and the seller including but not limited to the data types of history of purchases from the seller by the customer, demographic data, amount purchased, frequency of purchase, coupon used, payment method used, time of day, week, and year purchased;

b) coding the privacy options by the computer of the seller;
and

c) downloading coded privacy preferences to the portable storage medium of the customer by the computer of the seller.

22. The method of claim 21, wherein step a) includes recording privacy preferences of a customer via an electronic customer device by a computer.

23. The method of claim 22, wherein the electronic customer device comprises a personal computer.

24. The method of claim 22, wherein the electronic customer device comprises a portable communication device.

26. The method of claim 21, wherein step a) includes recording privacy preferences of a customer via a self-service terminal of the seller.

(ix) EVIDENCE APPENDIX

No evidence pursuant to §§1.130, 1.131, or 1.132 or any other evidence has been entered by the Examiner or relied upon by Appellant.

(x) RELATED PROCEEDINGS APPENDIX

There are no related decisions rendered by a court or the Board or copies of such decisions.